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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/555,551	08/29/2000	Jonathan B. Orlick	33786/WWM/S7	8362

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EXAMINER

CORNWELL, BRIAN I

ART UNIT	PAPER NUMBER
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2614

DATE MAILED: 01/29/2004

14

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/555,551

Applicant(s)

ORLICK, JONATHAN B.

Examiner

Brian Cornwell

Art Unit

2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 12.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

1. Applicant's arguments filed 11/4/2003 have been fully considered but they are not persuasive.

As to claims 1,13,and 22, Applicant's addition of the "substantially full portion" limitation on the means for displaying the television picture on the monitor is met by LaJoie et al's disclosure in FIG.4 (100,106,108). Applicant's addition of the "pop up window overlaid on the displayed television picture" is met by FIG.4 (122,126,124).

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claim 1-2,6,13-14,18,22-23 rejected under 35 U.S.C. 102(e) as being anticipated by LaJoie et al (5,850,218), cited by the examiner.

As to claim 1, the reference discloses an audio-visual system for displaying multiple levels of information. LaJoie et al specifically discloses a television receiver (set-top terminal)

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(Fig.1 (6)) and a display monitor (Fig.4 (100)) for displaying a currently broadcast television picture. In Fig.16, the reference discloses the display monitor receiving and displaying a television signal (340), an advertising message related to the television picture (344) and (col.23 ln.48) in the form of the channel's identification and logo, and an informational message related to the television picture (346), in the form of the program summary. The "substantially full portion" limitation on the means for displaying the television picture on the monitor is met by LaJoie et al's disclosure in FIG.4 (100,106,108). The reference also specifically discloses the simultaneous display of a currently broadcast television program with an informational message and an advertising message related to the television program as described above and shown in Fig.16 as claimed.

As to claim 2, the claimed pop up window's inclusion of information related to other programs of interest is met by fig.7 (152).

As to claim 6, LaJoie et al discloses the composite display of an EPG (Fig.16 (366)) and an advertisement (Fig.16 (349)) as claimed.

Claims 13-14 are met by that discussed above for claims 1-2.

Claims 18 is met by that discussed above for claims 6.

As to claim 22, the "substantially full portion" limitation on the means for displaying the television picture on the monitor and the pop up advertising message about a product or service related to the displayed television picture is met by fig.30 (580). The PPV event relates to the time of the current program.

Claim 23 is met by that discussed above for claim 22.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 3-5, 11-12, 15-17, ~~19~~, 20-21 rejected under 35 U.S.C. 103(a) as being unpatentable over LaJoie et al in view of Florin et al (5,594,509), cited by the examiner.

As to claim 3, the display of information related to the content of the television picture is already included in the rejection of claim 2.

As to claim 4, Florin et al discloses the display of an informational message that relates to later programming on the channel of the television picture (Fig.9). In the figure, the later programming is represented by the phrase "Repeated at 12am".

As to claim 5, the display of information related to current programming is already included in the rejection of claim 2.

As to claim 11, Florin discloses the program information along with the informational and advertising messages (fig.9).

As to claim 12, the product or service is met by the "showbits this month" service (fig.9).

Claims 15-17 are met by that discussed above for claims 3-5.

Claim 20 is met by that discussed above for claim 11.

Claim 21 is met by that discussed above for claim 12.

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4. Claims 7-9,19 rejected under 35 U.S.C. 103(a) as being unpatentable over LaJoie et al in view of Alten et al (5,635,978), cited by the applicant.

As to claim 7, LaJoie et al teaches everything as noted above, except the means for displaying an EPG alone. Alten et al discloses an EPG that is capable of displaying an advertisement above the program listing (Fig.7a) and (col.9 ln.55-59). Alten et al further discloses the added functionality of displaying the program listing without the advertisement (Fig.5a), known in the reference as "Full Page Display Mode". It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify LaJoie et al's display format by eliminating the advertising area as did Alten et al, for the purpose of displaying more channels in the program listing.

As to claim 8, LaJoie et al discloses everything as noted above, except the storage of EPG data including a background color. Alten discloses the storage of bitmaps in the system for use as "mood background" viewing (col.11 ln.34-38). Alten specifically discloses the use of a "nighttime view" (col.11 ln.42) and (Fig.5c) as an example. It would have been obvious to one of ordinary skill in the art at the time the invention was made to add Alten et al's background coloring to LaJoie et al's system for the purpose of easing the monotony of viewing program listings.

As to claim 9, the references disclose everything as noted above including the use of the background color to display the EPG alone (Fig.5c).

Claim 19 is met by that discussed above for claim 7.

5. Claims 10 rejected under 35 U.S.C. 103(a) as being unpatentable over LaJoie et al in view of Alten et al, and further in view of Marshall et al (5,828,420), cited by the examiner.

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The references disclose everything as noted above, except the use of a transparent value for the background color. Marshall et al discloses an EPG that uses a transparent value for the background of the EPG (Fig.9). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine transparent background color of Marshall et al to the EPG display of LaJoie et al and Alten et al, for the purpose of maintaining the full screen view of the television program while viewing the program listing for the viewer's entertainment.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Alexander et al (6,177,931) discloses an EPG with multiple "pop-up" windows for displaying advertisements and other program related information.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian Cornwell whose telephone number is 703-305-6955. The examiner can normally be reached on M-F 6-4 (alternate Fridays off).

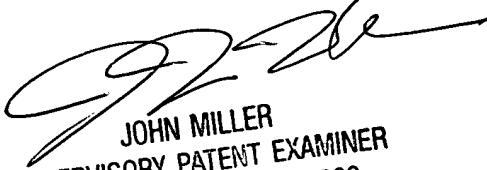
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on 703-305-4795. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4750.

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BIC
January 15, 2004



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